

IN THE DISTRICT COURT, DOUGLAS COUNTY, NEBRASKA

Mark L. Thompson

vs.

Department of Veterans Affairs Regional Medical Center Omaha

SHERIFF & CLERK
DOUGLAS CO. NEBR

2007 MAR 20 PM 3:11

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SUMMONS (L & E)

DOC. 1069 NO. 906

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

This is to notify Department of Veterans Affairs Regional Medical Center, Omaha

Defendant that you have been sued by Mark L. Thompson

Plaintiff in the District Court of said County, and that in order to defend the lawsuit you must file an appropriate written response on or before thirty days after service of Summons and Complaint in answer to the Complaint said Plaintiff filed against you in the Office of the Clerk of said Court or such Complaint will be taken as true and judgment entered accordingly for the relief demanded in the attached Complaint.

THE SHERIFF will make due return of this Summons within twenty days after the date of issue set out below.

WITNESS my signature and the Seal of said Court at Omaha and issued this 19th day of March, 2007.

JOHN M. FRIEND, CLERK

BY: [Signature]
Deputy

ATTORNEY FOR PLAINTIFF:

NAME: Kurt P. Leffler
ADDRESS: 5635 O Street Suite 101
Lincoln, NE 68510
PHONE: (402) 488-4300



I hereby certify that this is a true copy of the original writ with all the endorsements thereon,
TIMOTHY F. DUNNING
Sheriff

By [Signature]

MAR 19 2007

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MARK L. THOMPSON,

Plaintiff,

v.

DEPARTMENT OF VETERANS
AFFAIRS REGIONAL MEDICAL
CENTER, OMAHA.

Defendants.

Case No:

1069-906

COMPLAINT

Assigned to Judge

Lamberty

COMES NOW the Plaintiff, Mark L. Thompson, and for his Complaint against the Defendant alleges and states as follows:

1. Plaintiff is a resident of the State of Nebraska, residing in Grand Island, Hall County, Nebraska. He has so resided at all times relevant to this action.
2. Defendant is the Department of Veterans Affairs Medical Center, located at 4101 Woolworth Ave, Omaha, NE. Defendant is a political subdivision of the United States of America, and is subject to the Federal Tort Claims Act, 28 U.S.C. §1346(b) (hereafter FTCA).
3. Plaintiff is a Veteran of the Armed Forces of the United States, and is a beneficiary of the Department of Veteran's Affairs (hereafter "VA").
4. On or about May, 2004, Plaintiff was hospitalized at Defendant Hospital for a knee replacement surgery. That surgery was performed by one of more physicians under Defendant's employ, or by one or more physicians who were independent contractors acting under the substantial authority, supervision, and/or control of the Defendant.
5. As a direct and proximate cause of Defendant's negligence, Plaintiff suffered a life threatening infection which required emergency hospitalization at the Saint Francis

Medical Center, located at 2820 West Fidley Ave., Grand Island, Nebraska. Pursuant to that hospitalization, Dr Michael L. McCarty, M.D., Central Nebraska Orthopedics & Sports Medicine, removed the knee prosthesis implanted at Defendant Hospital. For medical reasons, a new prosthesis could not be inserted at that time.

6. Following the surgery, Plaintiff was admitted to Med-Care, Inc, a Grand Island, Nebraska nursing facility, for nursing care until the infection could be sufficiently reduced to allow a new prosthesis to be implanted. Plaintiff remained in that facility, with his leg immobilized and a spacer in place his knee, for at least two months until the infection was reduced enough to allow a new prostheses to be successfully inserted.

7. After the surgery to install the new prosthesis, Plaintiff was admitted to Central Nebraska Rehabilitative Services, P.O. Box 5285, Grand Island, Nebraska for rehabilitative treatment.

8. That Plaintiff sought remedy under the Federal Tort Claims Act through the filing of a tort claim with the Office of General Counsel, Department of Veteran's Affairs, in April, 2006. That claim was withdrawn after not receiving a satisfactory response by aforementioned entity.

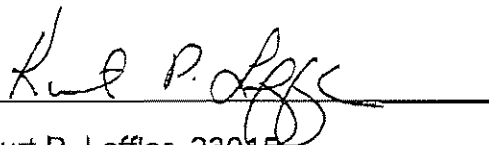
9. As a direct and proximate cause of Defendant's negligence, and through no negligence on the part of the Plaintiff, Plaintiff suffered a severe and life threatening infection which required emergency surgery and resulted in Plaintiff living in a nursing home for at least two months, with his leg immobilized and a spacer in place of his knee. This caused Plaintiff past, present, and future physical and mental pain, suffering, and anguish, loss of consortium, medical bills and other costs, and lost wages and benefits.

WHEREFORE, Plaintiff prays for judgment against the Defendant for general, specific, and special damages resulting from Defendant's negligence, including past,

present, and future physical and mental pain, suffering, and anguish, loss of consortium, medical bills and other costs, and lost wages and benefits in the total amount of \$1,000,000, or in an amount to be determined by the court, and for costs of this suit

Dated this 23rd Day of January, 2007.

MARK THOMPSON, Plaintiff



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